



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, APRIL 23, 2015 AT 9.30 A.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8. MOTION - THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL**
(NATIONAL ASSEMBLY BILL NO. 29 OF 2014)

(The Leader of the Majority Party)

THAT, the Senate Amendments to the Public Service (Values and Principles) Bill (National Assembly Bill No. 29 of 2014) be now considered.

9. MOTION - THE ENVIRONMENTAL MANAGEMENT AND CO-**
ORDINATION (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 31 OF 2014)

(The Leader of the Majority Party)

THAT, the Senate Amendments to the Environmental Management and Co-Ordination (Amendment) Bill (National Assembly Bill No.31 of 2014) be now considered.

10. COMMITTEE OF THE WHOLE HOUSE**

- i) The Fair Administrative Action Bill (National Assembly Bill No. 10 of 2015)
(The Leader of the Majority Party)
- ii) Consideration of the **Senate Amendments** to the Public Service (Values and Principles) Bill (National Assembly Bill No. 29 of 2014)
(The Leader of the Majority Party)
- iii) Consideration of the **Senate Amendments** to the Environmental Management and Co-Ordination (Amendment) Bill (National Assembly Bill No. 31 of 2014)
(The Leader of the Majority Party)

11*. **MOTION - THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

(The Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investments Committee on the Recapitalization and Balance Sheet Restructuring of Telkom Kenya Limited, laid on the Table of the House on Tuesday, April 29, 2014.

(Resumption of debate interrupted on Tuesday, April 21, 2015)

12*. **THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)**

(The Leader of the Majority Party)

Second Reading

13*. **THE PROHIBITION OF ANTI-PERSONNEL MINES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)**

(The Leader of the Majority Party)

Second Reading

14*. **THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2014)**

(The Leader of the Majority Party)

Second Reading

* Denotes Orders of the Day

** Denotes Bills that ought to be passed by Parliament by
May 26, 2015 in accordance with Article 261 of the Constitution

...../Notices

N O T I C E S

I. THE FAIR ADMINISTRATIVE ACTION BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2015)

Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs (Hon. Samuel Chepkonga), intends to move the following amendments to the Fair Administrative Action Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “administrative action” and substituting therefor the following new definition—

“administrative action” includes

- (a) the powers, functions and duties exercised by authorities or quasi-judicial tribunals; or
- (b) any act, omission or decision of any person, body or authority that affects the legal rights or interests of any person to whom such action relates;

- (b) by deleting the definition of the term “administrator”;

- (c) in the definition of the term “decision” by deleting the words “of an administrative nature” appearing immediately after the word “decision”;

- (d) by deleting the definition of the expression “disciplined forces”;

- (e) in the definition of the expression “empowering provision” by deleting the word “was” appearing immediately after the word “action” and substituting therefor the words “is taken or”;

- (f) by deleting the definition of the term “tribunal” and substituting therefor the following new definition—

“tribunal” means a tribunal established under any written law.”;

CLAUSE 3

THAT, the Bill be amended by deleting clause 3 and substituting therefor the following new clause—

3. This Act applies to all state and non-state agencies, including any person—

- (a) exercising administrative authority;
- (b) performing a judicial or quasi-judicial function under the Constitution or any written law; or
- (c) whose action, omission or decision affects the legal rights or interests of any person to whom such action, omission or decision relates.

CLAUSE 4

THAT, the Bill be amended by deleting clause 4 and substituting therefor the following new clause —

Administrative action to
be taken expeditiously,
efficiently, lawfully e.t.c

4. (1) Every person has the right to administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair.

(2) Every person has the right to be given written reasons for any administrative action that is taken against him.

(3) Where an administrative action is likely to adversely affect the rights or fundamental freedom of any person, the decision making authority shall give the person affected by the decision—

- (a) prior and adequate notice of the nature and reasons for the proposed administrative action;
- (b) an opportunity to be heard and to make representations in that regard;
- (c) notice of a right to a review or internal appeal against the administrative decision, where applicable;
- (d) a statement of reasons pursuant to section 6;
- (e) notice of the right to legal representation, where applicable;
- (f) notice of the right to cross-examine or where applicable; and
- (g) information, materials and evidence to be relied upon in making the decision or taking the administrative action.

(4) The decision making body shall accord the person against whom administrative action is taken an opportunity to —

- (a) attend the proceedings, in person or in the company of an expert of his choice;
- (b) to be heard ;

(c) cross-examine persons who give adverse evidence against him;
and

(d) request for an adjournment of the proceedings, where necessary
to ensure a fair hearing.

(5) Nothing in this section, shall have the effect of limiting the right of any person to appear or be represented by a legal representative in judicial or quasi-judicial proceedings.

(6) Where the decision making body is empowered by any written law to follow a procedure which conforms to the principles set out in Article 47 of the Constitution, the decision making body may act in accordance with that different procedure.

CLAUSE 5

THAT, clause 5 of the Bill be amended in sub clause (2) by—

- (a) deleting the words " the decision of the administrator" appearing immediately after the words "challenge the" in paragraph (a) and substituting therefor the words "any administrative action or decision";
- (b) deleting the words " reviews of the administrator's decision" appearing immediately after the words "apply for" in paragraph (b) and substituting therefor the words " review of an administrative action or decision";

CLAUSE 6

THAT, clause 6 of the Bill be amended in sub clause (1) by deleting the words "may, pursuant to Article 35 of the Constitution, or any written law relating to freedom of information, require the administrator to supply him or her" and substituting therefor the words "has a right to be supplied".

CLAUSE 7

THAT, the Bill be amended by deleting clause 7.

CLAUSE 8

THAT, clause 8 of the Bill be amended—

- (a) in sub clause (1) by deleting the words "in the exercise of the Court's supervisory jurisdiction under Article 165 (7) of the Constitution" appearing immediately after the words "Court in";
- (b) in sub clause (2) by deleting the words "a decision of an administrator" appearing immediately after the words "aggrieved by a" and substituting therefor the words "an administrative action or decision";
- (c) in sub clause (3)—
 - (i) by deleting the word "administrator" appearing in paragraph (a) and substituting therefor the word "person";
 - (ii) by inserting the following new subparagraph immediately after subparagraph (iv) —

- (v) denied the person to whom the administrative action relates reasonable opportunity to state his or her case or be heard.
- (iii) by deleting the words “or took into account irrelevant considerations to the prejudice of the applicant’s rights” appearing immediately after the word “considerations” in paragraph (g);
- (iv) by inserting new paragraphs immediately after paragraph (m) as follows—
 - (n) the administrative action is unreasonable;
 - (o) the administrative action is not proportionate to the interests or rights affected;
 - (p) the administrative action violates the legitimate expectations of the person to whom it relates;
 - (q) the administrative action is unfair; or
 - (r) the administrative action is taken or made in abuse of power.

CLAUSE 9

THAT, clause 9 of the Bill be amended—

- (a) in sub clause (1) by deleting the words “pursuant to section 8” appearing immediately after the word “review”;
- (b) in sub clause (2) by deleting the words “or tribunal” appearing immediately after the word “Court”;
- (c) by deleting sub clause (3) and substituting therefor the following new sub clauses—
 - (4) Where the relief sought is an order to quash any judgment, order, conviction, or other proceeding, the date when the grounds of the application first arose shall be taken to be the date of judgment, order, conviction or proceeding.
 - (5) A person aggrieved by an order made in the exercise of the judicial review jurisdiction of the High Court may appeal to the Court of Appeal.”

CLAUSE 10

THAT, clause 10 of the Bill be amended by—

- (a) deleting sub clause (1) and substituting therefor the following new sub clause—
 - (1) An application for judicial review shall be made by notice of motion to the High Court and shall be heard and determined without undue regard to procedural technicalities.
- (b) deleting sub clause (3).

CLAUSE 11**THAT**, clause 11 of the Bill be amended—

(a) in sub clause (1)—

(i) by deleting the words “pursuant to 8(1)” appearing immediately after the word “review”;

(ii) by deleting the words “excess of its jurisdiction or from engaging in an activity beyond the scope of its powers” appearing immediately after the words “acting in” in paragraph (c) and substituting therefor the words “a particular manner”;

(b) in sub clause (2) by inserting the words “and other monetary compensation” immediately after the word “costs” appearing in paragraph (d);

CLAUSE 12**THAT**, the Bill be amended by deleting clause 12;**CLAUSE 13****THAT**, the Bill be amended by deleting clause 13;**NEW CLAUSE****THAT**, the Bill be amended by inserting the following new clause immediately after clause 14—Repeal of section 8 and 9 of
Cap. 26**15.** Section 8 and 9 of the Law Reform Act, Cap. 26 are
hereby repealed

The House resolved on Wednesday, February 11, 2015 as follows:-

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
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NOTICE PAPER

Tentative business for

Thursday, April 23 (Afternoon), 2015

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Thursday (Afternoon) April 23, 2015:-

A. COMMITTEE OF THE WHOLE HOUSE

The Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)
(The Leader of the Majority Party)

B. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

(The Leader of the Majority Party)

Second Reading

C. THE PROHIBITION OF ANTI-PERSONNEL MINES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

(The Leader of the Majority Party)

Second Reading

D. THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2014)

(The Leader of the Majority Party)

Second Reading



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, APRIL 23, 2015 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8. COMMITTEE OF THE WHOLE HOUSE**

The Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)
(The Leader of the Majority Party)

9*. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

(The Leader of the Majority Party)
Second Reading

10*. THE PROHIBITION OF ANTI-PERSONNEL MINES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

(The Leader of the Majority Party)
Second Reading

11*. THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2014)

(The Leader of the Majority Party)
Second Reading

* Denotes Orders of the Day

N O T I C E S

The House resolved on Wednesday, February 11, 2015 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament, a Sessional Paper or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

* Denotes Orders of the Day

NOTICE PAPER

Tentative business for

Tuesday, April 28, 2015

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Tuesday, April 28, 2015:-

A. MOTION - THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE

(The Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investments Committee on the Recapitalization and Balance Sheet Restructuring of Telkom Kenya Limited, laid on the Table of the House on Tuesday, April 29, 2014.

(If not concluded on Thursday, April 23, 2015 – Morning Sitting)

B. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, April 23, 2015 – Afternoon Sitting)

C. THE PROHIBITION OF ANTI-PERSONNEL MINES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, April 23, 2015 – Afternoon Sitting)

D. THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2014)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, April 23, 2015 – Afternoon Sitting)
